

ENTERED

March 26, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

## CARROLL RAY LYNN JR

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§ CIVIL ACTION NO. M-18-162

VS.  
LORIE DAVIS

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner Carroll Ray Lynn, Jr.’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, which had been referred to the Magistrate Court for a report and recommendation. On March 5, 2020, the Magistrate Court issued the Report and Recommendation, recommending that Respondent’s motion for summary judgment be granted, that Petitioner’s habeas petition be denied, that Petitioner be denied a certificate of appealability, and that this action be dismissed. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Respondent's Motion for Summary Judgment is **GRANTED**, that Petitioner's Petition for Writ of Habeas Corpus is

<sup>1</sup> As noted by the Fifth Circuit, “[t]he advisory committee’s note to Rule 72(b) states that, ‘[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Douglas v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee’s note (1983)) *superceded by statute on other grounds by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. Apr. 2, 2012).

**DENIED**, that Petitioner is **DENIED** a certificate of appealability, and that this action is **DISMISSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 26th day of March, 2020.



Micaela Alvarez  
United States District Judge